

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

DAVID McNISH,

Petitioner,

v.

RICKY BELL, Warden,

Respondent.

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No.: 2:00-cv-95
(Judge Phillips)

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the petitioner's motion for partial summary judgment is **DENIED**, the respondent's motion for summary judgment is **GRANTED**, and the petition for the writ of habeas corpus is **DENIED**. The stay of execution previously entered in this matter is **VACATED**. A certificate of appealability **SHALL NOT ISSUE**.

ENTER:

s/ Thomas W. Phillips
United States District Judge

ENTERED AS A JUDGMENT

s/ Debra C. Poplin
CLERK OF COURT